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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,570	03/19/2004	Hideki Hagiwara	393032044200	1683
25224	7590	08/23/2007	EXAMINER	
MORRISON & FOERSTER, LLP			SUTHERS, DOUGLAS JOHN	
555 WEST FIFTH STREET				
SUITE 3500			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90013-1024			2615	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/805,570	HAGIWARA, HIDEKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Douglas Suthers	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/19/04, 11/23/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the description:

step s5 is mentioned in figure 7 but is not mentioned in the specification.

step s12 is mentioned in figure 8 but is not mentioned in the specification.

steps s21-s24 are mentioned in figure 9 but is not mentioned in the specification.

step s40 is mentioned in figure 10 but is not mentioned in the specification.

steps s53-s54 are mentioned in figure 11 but is not mentioned in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

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CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because figures 7-10 contain language inconsistent with the specification. All steps setting variables seem to be opposite of specification. The specification convention of "setting destination to source" is suggested. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by the Roland VS-1680 owners manual.

6. Regarding claim 1, Roland discloses a digital mixer including a display (page 16, item 1), cursor controls (11), an increase/decrease control (13), and a plurality of channel strips for controlling parameters of input channels associated therewith (page 14), on a control panel, said channel strips each having a level setting control (6) and a selection switch (4), said digital mixer comprising:

a view selector (page 16, item 2) for selecting a view to be displayed on said display;

a level controller (portion of unit that implements fader control, page 14, item 6) for detecting operation of said level setting control of said channel strip and controlling an input signal level for an input channel corresponding to said operated channel strip;

a channel selector (portion of unit that implements selector control, page 14, item 4) for detecting operation of said selection switch of said channel strip and bringing

parameters of an input channel corresponding to said operated channel strip into an editable state on the view (page 35, "track mixer condition");

an assignor for assigning any one parameter among the parameters of the input channel to said increase/decrease control (portion of unit that implements increase/decrease control);

a cursor controller (portion of unit that implements cursor control) for detecting operation of said cursor control and controlling a position of a cursor on the view; and

a parameter controller (portion of unit that implements display and parameter control) for detecting operation of said increase/decrease control, judging, when the operation is detected (when value dial is changed, page 35, "change the settings value"), whether or not said selection switch of any of said channel strips has been operated (channel select button), and when judging that no selection switch has been operated (maintains current condition), changing a value of a parameter displayed at the position of the cursor in accordance with the operation of said increase/decrease control (page 35, "select the setting you want to change"), while when judging that any selection switch has been operated (page 35, "track mixer condition"), changing a value of a parameter assigned to said increase/decrease control by said assignor among parameters of an input channel corresponding to a channel strip having said operated selection switch in accordance with the operation of said increase/decrease control.

7. Regarding claim 2, Roland discloses wherein said increase/decrease control is a rotary encoder (page 16) and/or an increase switch and a decrease switch.

8. Regarding claim 3, Roland discloses further comprising: a display controller for displaying the value of the parameter assigned to said increase/decrease control on the view (cursor, page 35, "select the setting you want to change").

9. Regarding claim 4, Roland discloses wherein said display controller displays the value of the parameter assigned to said increase/decrease control as an overlap view on the view in display (page 42, "Track Mixer Settings" diagram).

10. Regarding claim 6, Roland discloses wherein said view selector selects a view to be displayed on said display in accordance with operation of predetermined view selection controls (page 16, items 2).

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Roland VS-1680 owners manual, in view of Hugley (US 2003/0144997 A1).

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13. Regarding claim 5, Roland does not expressly disclose a predetermined period.

Hugley discloses displaying an overlap view on a view for a predetermined period and then erases the overlap view from the view (paragraphs [0022] and [0023]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the user interface techniques and the timeout period of Hugley in the system of Roland. The motivation for doing so would have been to present information when relevant to the user, but in a manner that does not require user intervention to exit. Therefore, it would have been obvious to combine Hugley with Roland to obtain the invention as specified in claim 5.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Suthers whose telephone number is (571)272-0563. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

djs 

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800